# The Daily Courant.

Monday, January 25. 1714.


3823

*DUBLIN.*

**The Case of the City of Dublin, in Relation to the Election of Magistrates in the said City.**

I. *THAT the Mayors of Dublin are to be Elected and to continue only for one Year, unless Re-elected for a Second Year.*

BY Hen. III's Charter the Mayor of Dublin is to be elected by the Citizens *singulis Annis.*

Hen. V's Charter of Confirmation to the Citizens of Dublin is, *Quod eorum Major singulis Annis sit Electus de semet ipsis*, &c.

Edw. VI's Charter which made the City a County, grants and directs, That the Sheriffs shall be *de Anno in Annum electi jurati*, &c. and that the Mayor shall *secundum Consuetudinem ejusdem Civitat.* continue *usque ad Festum Sanct. Michaelis.*

II. *The Mayor of Dublin has not Right to Nominate the Three Aldermen, who are to be put in Election for the Mayoralty.*

It is not so much as pretended any such Power of Nomination is given to the Mayor by any Charter, By-Law extant, or by the New Rules.

But it is pretended there was such an antient Usage, which ought to presuppose a By-Law.

Against this Presumption there is positive Proof. It appears by a By-Law made in Rich. III's Time, That the Jurees, which were the Aldermen, on every Holy-Rood-Day should name one of themselves to be Mayor from Michaelmas for the whole Year. While that Law continued, the Mayor could not Nominate.

By the By-Law made by the City-Assembly in the Year 1152, it is provided, That Three of the Aldermen, to be Nominated by the Mayor and Alderman, shall be put in Election for the Mayoralty. And this is declared by that By-Law to have been the antient Usage of the City.

By an Order Signed by Sir Samuel Cooke the last Lord Mayor, and by the Aldermen, dated the 15th of May 1711, on Alderman Barlow's Election, it is declared, That the Persons put in Election for the Mayoralty were put in Election by the Lord Mayor and Aldermen.

The Papers on which the Polls were taken on the Election of Mayors in this City before and since the New Rules, were insisted on, and were the only Evidence offered to prove a Right of Nomination in the Mayor.

None of those Papers mention any Nomination, or by whom the Persons were put in Election; but some are in this following form, viz.

April 26, 1661.

ALderman George Gilbert elected Mayor for the Year ensuing, beginning at Michaelmas next, by the Mayor and Table of Aldermen.

Others of them in this Form, viz.

April 7, 1665.

To be chosen Mayor for the Year ensuing.

Sir Daniel Bellingham, Knt.——————

John Desmineer.——————

Mark Quin.——————

These Poll-Papers were on another Occasion produced, as an Evidence at the Council-Board, against Alderman Constantine, who by his Petition set forth, That he, as Senior Alderman under the Cushion had a Right to be Elected, there being a By Law made in the Tenth of Eliz. Enacting, That every Alderman shall take his Turn for bearing the Charge of the Mayoralty according to his Antienty.

When these Poll-Papers were produced as an Evidence, that the Mayors were Elected, and did not succeed by Seniority, the Council for the City were then told, they were old loose Papers, and could not be Evidence of any thing. Since which time the Gentlemen, who insisted on the Right of Succession in the Senior Alderman, have thought fit to drop that Pretence, and now affirm a Right in the Lord Mayor of Nominating three Aldermen to be put in Election for the Mayoralty, any one of them, whether Senior or Junior, the Aldermen may choose; and to support this Right of Nomination, the same Poll-Papers were allowed at the Council-Board as Evidence, nay, the only Evidence that the Mayors nominated the Persons to be put in Election.

III. *The Pretence that the Senior Alderman has a Right to Succeed in the Mayoralty is not warrantable.*

The New-Rules which have the force of an Act of Parliament expressly Enacts, That the Election of Lord Mayor and Sheriffs shall be for ever only by the Lord Mayor and Aldermen, and does not mention any thing of Nomination or Succession.

It is to be observed the above Clause hath divested the Commons of the Right they had by Charter to Elect their Magistrates, and created a new Right in the Lord Mayor and Aldermen exclusive of the Commons and Citizens.

And prescribes the Manner of Election, viz. That at least Eight Aldermen shall be present.

The Lord Chief Baron Byssc, one of the then Privy-Council, who made the New-Rules, and who had been Recorder of Dublin for about Thirty Years, and the other Learned Judges of the then Privy-Council, must have been of Opinion, that the former By-Laws made when the Commons had a share in the Election were by the New-Rules repealed, otherwise they had not approved of Alderman Dee, the first Lord Mayor Elected after the making of the New-Rules, he not being the next Senior Alderman under the Cushion.

The following Year Sir Joshua Allen was Elected and Approved, though Junior Alderman to Alderman Jones, the Senior Alderman under the Cushion, who had not served.

There are several other Instances where those very Privy-Counsellors, who made the New-Rules, approved the Junior Alderman then Elected, which they never would have done, had they been of Opinion that the Senior Alderman who had not served in the Mayoralty had a Right to Succeed by the By-Law of Succession.

This Notion of a Mayor by Succession was advanced to serve the turn of Alderman Constantine, who acquiesced in the Aldermen's refusing to Elect him during the Mayoralty of Alderman Forrest, he being in the Mayoralty was succeeded by Alderman Page.

In the Year 1710, Alderman Eccles was Elected and Approved Lord Mayor; Alderman Constantine during this Time did not make the least Objection till Alderman Barlow was Elected Lord Mayor for the Year 1711, at which time the former Pretence of Alderman Constantine was revived, and supported in a very extraordinary Manner.

The City Assembly, to avoid all Disputes that might arise on Pretence of Seniority, Repealed in a full Assembly the By-Law of Succession, the only Objection made to Alderman Barlow's Election, and then Elected Alderman Barlow a second time on the 15th Day of May 1711, which they then thought could not be construed any Disrespect to the Council-Board; the Aldermen being present at the Hearing on Alderman Constantine's Petition, where no other Objection but that of the Senior Alderman's Right was made out against him.

That Second Elections of the same Person in the same Year had been in other Instances approved at the Council-Board, particularly in the Case of Mr. Handcock of Athlone. But so sacred was the Law of Succession notwithstanding the New-Rules, and the By-Law in 1711, which expressly repealed it, that in five Months time seven Elected Mayors and sixteen Sheriffs, all Members of the Established Church, were all Disapproved, in order to oblige the Aldermen to elect Alderman Constantine: Tho' since the making the said New-Rules in the Year 1672, till the Disapprobation of Alderman Barlow, no Elected Lord-Mayor of Dublin had been Disapproved by the Council-Board, excepting One in the Lord Tyrconnel's Government.

After a long Struggle Alderman Gore was Elected and Approved. This being the Year for electing the Common-Council for the City, an Extraordinary Attempt was made to engage Alderman Gore then Lord-Mayor, in the Project of new Modelling this City. In order thereunto Lists were prepared and delivered to him, with the Names of a New Common Council for the City, with 500 l. Reward for this Service; but the Integrity of that Worthy Citizen was above Temptation.

On the 1st of October 1711, Sir Samuel Cooke and the Board of Aldermen severally signed an Order in the Monday-Book, declaring it to be the Right of the Aldermen to elect such of the Aldermen as they should think fit, without regard to Seniority or Juniority.

In the Year 1712, Alderman Barlow was Elected and Disapproved, and thereby way made for Sir Samuel Cooke, against whose Election the pretended Right of Alderman Constantine was no way objected.

Sir Samuel Cooke in the beginning of his Mayoralty gave the City hopes he would be Just to her Rights, and thereby prevailed on the Assembly to grant him an

Additional

Masque.

Upon the Election of Mayor and Sheriffs last Easter, Alderman Stoyte was chosen Lord-Mayor, and John Porter, Merchant, and Joshua Crowder, Brewer, formerly Servant to Sir Samuel Cooke, Sheriffs.

These Elections were not followed with any Petition or Complaint to the Council-Board, yet they disapproved the Election of Alderman Stoyte and Mr. Porter, and approved the Election of Mr. Crowder.

Soon after Sir Samuel Cooke summoned the Aldermen to elect a Lord-Mayor and one Sheriff. And on the 8th of May, the Board of Aldermen being Assembled to that purpose, the Lord-Mayor pull'd a Paper out of his Pocket, prepared and written before he came into the Assembly, in which he nominated Sir William Fownes, Alderman Constantine, and Alderman Mason, for the Mayoralty, and told the Board, That if they would not choose One of these Three, he would allow them no other Choice. An Objection being made, that the Right of Nominating Persons to be put in Election was in the whole Board, and that the Lord Mayor as he was in the Chair was allowed to propose them only for the Approbation of the Board, Sir Samuel Cooke rose in a Passion, and without Dissolving or Adjorning the Assembly, leaving the Sword behind him, withdrew, contrary to the Request and Desire of the Aldermen, who waited some Hours, and sent a Message to him, desiring him to return, which he refused. Whereupon the Aldermen conceiving that when they were legally Summoned and Assembled to Elect their Magistrates, and having entred on that Business with the Lord Mayor, he could not by withdrawing himself in that abrupt manner disable them from Discharging the Publick Trust reposed in them by an Act of Parliament, viz. The Electing Magistrates for the City: Thereupon unanimously Elected Alderman Thomas Pleasants Lord Mayor, and James King, Merchant, Sheriff, in which the Aldermen had no other View than doing all in their Power to continue the Succession of their Magistrates, not knowing whether the Lord Mayor would give them another Opportunity of Meeting on that Occasion, and believing they should be prosecuted for not Electing Magistrates within the time appointed, it could be no Excuse for them to say the Lord Mayor and they Differed in the manner of proceeding to an Election.

*[The remaining Part of this Piece is referred to our next.]*

*London*, January 25.

On Saturday South Sea Stock was 89 seven eights. Bank 124 one quarter to 124 one half. India 122 three quarters. African 44 one half.

*London*, January 25.

Yesterday arrived a Mail, with the Paris Letter of Jan. 29. which advises, that they had an Account from Strasbourg the 20th that the Conferences at Rastad were continued: And from Madrid, that General Mahoni is dead.

*A General Court of all the Adventurers of the Royal African Company of England, is appointed to be held at the African House in Leaden-hall-street, to Morrow the 26th of this Instant January, at 10 of the Clock in the Forenoon, to declare the State of the Stock.*


At the particular Desire of several Ladies of Quality.

By Her Majesty's Company of Comedians.

AT the Theatre-Royal in Drury-Lane, this present Monday, being the 25th of January, will be presented a Comedy call'd, The Amorous Widow: Or, The Wanton Wife. And to Morrow will be Reviv'd a Play call'd, Virtue Betray'd, or, Anna-Bullen.

AT the Queen's Theatre in the Hay-Market, on Wednesday next, being the 27th of January, will be presented a new Opera call'd, Clotilda. In which Mrs. Robinson performs a Part. With several Symphonies play'd by the famous Signor Veracini, lately arriv'd from Italy. The Pit and Boxes to be put together, and no Persons to be admitted without Tickets, which will be deliver'd at Mrs. White's Chocolate-House in St. James's Street, and at the Theatre in the Hay Market, to Morrow and Wednesday next, at Half a Guinea each. Boxes upon the Stage 15 s. Gallery 4 s.

For the Benefit of Mr. Thomas Baston and Mr. Young.

AT Stationer's-Hall, this present Monday, being the 25th of January, will be Performed a Consort of Vocal and Instrumental Musick. By the best Masters. The Tickets may be had at Mr. Hale's Musick Shop in Cornhill, at Grigsby's Coffee-house behind the Royal-Exchange, at Mr. Timothy Brandeth's at the Archimedes and Globe the Corner of Exchange-Alley over against the Royal Exchange, at Tom's Coffee-house in Cornhill, at Mr Young's Musick Shop in St Paul's Church Yard, and at the Hall-Door, at Half a Crown each Ticket. To begin at 6 a Clock.

A Water-Side-Book lost the 22d Instant, between 7 and 8 a Clock, in the Post Office-Yard. Whoever brings it to Tho. Griffith, Grocer, in Fenchurch Street, shall have 5 s. Reward, and no Questions asked, being of no use but to the Owner.

marvels, &c. at Mr. Gibbins's Company of Italian Rope-Dancers, where you will see a little Child about two Years and an half old perform such wonderful things on the Stiff Rope, as is surprising to all that behold him. A Young Maiden who dances to Admiration, and other extraordinary Dancing on the Stiff Rope. The famous Scaramouch, lately come from France, who dances on the Stiff Rope, with a Pair of Colours in his Hand, which he flourishes with as much Curiosity as any Ensign can on the Ground; and at the same time Jumps over a Garter which is tied to Two Poles 3 Foot or more above the Rope, and turns himself round and Jumps back again: He likewise Dances with Dutch Skates; with several other extraordinary Entertainments, the like never perform'd by any Man in the World but himself: With many other Curiosities perform'd by the whole Company in general, more than was ever incerted in this or any other Bills. A Young Man who walks on the Slack Rope after the Italian manner; Lastly, The famous Gibbins, who has had the honour to perform before most of the Courts in Europe, Tumbles, for Lightness and Agility, far beyond what has ever yet been seen. You will likewise be entertained with good Musick. The lowest Price 6 d. the next 1 s. Pit 1 s. 6 d. and the Stage 2 s. 6 d. Beginning at Six a Clock.

At the Duke of Marlborough's Head in Fleet-street is to be seen these Rarities following. 1. The noble and majestick Lion, lately brought from Barbary, which for its most surprizing Largeness, and its being so wonderful tame, far exceeds any that ever was seen in the World. 2. A young Lion lately brought over from Algier, so wonderful tame that any Person may handle him as well as his Keeper. 3. The noble Panther, lately brought from Egypt, one of the beautifullest Creatures in the World for Variety of Spots of divers Colours; a Creature much admired by all the Gentlemen and Ladies that ever saw him. 4. The noble Pelican or Vulture, lately arrived from America, 3 Foot high, 9 over. The Head like a Griffin, Neck like a Swan; the like never seen in this Kingdom before: With several other Rarities too tedious to insert here. To be seen from 8 in the Morning till 7 at Night.

There is on board the Mary, George Beach, from Burdeaux, 40 Hogsheads of French Wine, shipped by George Boyd, Jun. consigned to John Ballard. This is to desire the said John Ballard to take up his said Wine, the Ship being arrived this 36 Days, and lies at Wiggen's Key near the Custom-house, there being no other Goods on board.

A Person now keeping a Tobacconist-Shop, having a very considerable Wholesale and Retale Trade belonging to it, is obliged for want of his Health to retire; any Person that hath Occasion may come in on very Advantageous Terms: Engine, Presses and all things belonging to the Trade, to be disposed of. Inquire of Mr. Steele at Steele's Coffee-House in Bread-street, Cheapside.

To be Lett,

At Hampstead near the Church, a Dye-house, very convenient for a Grain Dyer, with Tenters, &c. or for any other Trade that requires good Water and Room: As also a Dwelling-House ready furnished, and very convenient for a middling Family. Inquire at Mr. Dawes's there, or for him at Lawrence's Coffee-house in Freeman's Yard near the Exchange.

A very good accustomed Glass-Shop, being a Corner House, in Compton-street, St. Ann's, to be Lett, and the Shop Goods to be Sold.

Tea, Arrack, and China-Ware, to be seen at the Steel-yard, Thames-street, and sold to Morrow the 26th Instant, at Joe's Coffee-house in Swithin's-Alley, the Sale to begin precisely at 3 in the Afternoon.

*Bibliotheca Salmoneana, Pars Prima*: Or, A Catalogue of Part of the Library of the Learned Wm Salmon, M. D. deceas'd. Consisting of many very valuable and uncommon Books, in several Faculties and Languages: Chiefly, in Physick, Chirurgery, Chymistry, Divinity, Philology, History, and other polite parts of Learning, most of the Classicks, Notis variorum, and other choice Editions, well Bound and very Fair, several being of the large Paper. Which will begin to be sold by Auction at St. Paul's Coffee-House, next Door to Dean's Court the West End of St. Paul's, this Day the 25th of January, beginning every Evening at 5, till the Sale is finished. By Tho. Ballard, Bookseller, at the Rising Sun in Little-Britain: Where Catalogues may be had, as also of Mr. King in Westminster-Hall, Mr. Brown at Exeter Exchange and without Temple-Bar, Mr. Innys in St. Paul's Church-yard, Mr. Bateman in Pater-Noster-Row, Mr. Strahan in Cornhil, Mr. Mount on Tower-Hill, Booksellers; and at the Place of Sale. Price one Shilling.

☞ The remaining Part of the Medicines prepared by the late Doctor Hill continue to be sold at his late Dwelling-House.

A Catalogue of very valuable English Books; consisting of the best Modern Divinity, History, Travels, Voyages, Poetry, Lives, Geography, Physick, Mathematicks, Romances. Neatly Bound, of the very best Editions, and many gilt on the Back. Which will begin to be sold by Auction, at Rowe's Coffee-house, at the Bridge-Foot, in the Borough of Southwark, this Day the 25th Instant, beginning every Evening at 5, and will be continued till all are Sold. By Tho. Bickerton, Bookseller, at the Rose and Crown in Little-Britain. Catalogues may be had gratis at Mr. Strahan's in Cornhill, Mr. Tracey's on London-Bridge, Booksellers; at Mr. Holman's in Red-Lyon Court in the Borough, and at the Place of Sale.

A Collection of extraordinary original Pictures, being that of a Gentleman lately deceas'd, will be sold by Auction, at Brown's Coffee-house, opposite the Duke of Powis's House, in Ormond-street, near Red-Lyon-Square, on Thursday next, being the 28th Instant. The Pictures may be seen to Morrow, Wednesday, and Thursday till the time of Sale, which will begin at 10 a Clock in the Forenoon precisely, and must be all sold off that Day. Catalogues may be had gratis at the Place of Sale.

To be Sold by AUCTION.

On Thursday the 28th Instant, all the Household-Goods and Furniture of the Honourable Lady Phillips, deceas'd, at her late Dwelling-House in Stratton-street, near the Duke of Devonshire's, viz. Damask and other Beds and Bedding, Tapestry Hangings, Pictures and Linnen, Indian Cabinets and Indian Chests, Looking-Glasses and Tables, a Spring Clock, and other Goods.

Dr. Carr's Medicinal Epistles upon several Occasions: Done into English as a Supplement to the Explanations of Sanctorius's Aphorisms, by John Quincey. Printed for Will. Newton near the Pump in Little Britain, and J. Phillips in Cornhill, where may be had, Sanctorius's Aphorisms, and all sorts of School-Books.


LONDON, Printed by *Sam. Buckley*, at the *Dolphin* in *Little-Britain*; and Sold by *Fetd. Burleigh* in *Amen-Corner*.